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PTO/SB/21 (02-04)

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/685,031
Filing Date	10/14/2003
First Named Inventor	Han et al
Art Unit	1624
Examiner Name	B. Kifle
Attorney Docket Number	BMS-PH-7164(C)

Total Number of Pages in This Submission

### ENCLOSURES (Check all that apply)

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| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input checked="" type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/<br>Incomplete Application<br><input type="checkbox"/> Response to Missing Parts<br>under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a<br>Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance communication<br>to Technology Center (TC)<br><input type="checkbox"/> Appeal Communication to Board<br>of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC<br>(Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please<br>Identify below):<br>1. PTO/ SB/08A<br>2. <u>32</u> References |
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Remarks

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Hans- Peter G. Hoffmann, Reg. No. 37,352
Signature	<i>Hans Peter G. Hoffmann</i>
Date	9-1 2004

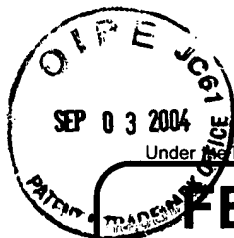
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PTO/SB/17 (10-03)

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 180.00

## Complete if Known

Application Number	10/685,031
Filing Date	10/14/2003
First Named Inventor	Hanet al.
Examiner Name	B.Kifle
Art Unit	1624
Attorney Docket No.	BMS-PH-7164(C)

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☒ Other ☐ None

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Deposit  
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03-3975

PILLSBURY WINTHROP LLP

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## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$ )

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fee from below	Fee Paid
Total Claims	-20** =	X	
Independent Claims	- 3** =	X	
Multiple Dependent			

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ )

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	180.00
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

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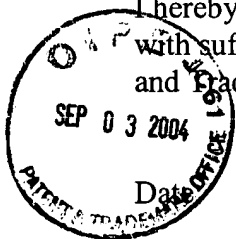
Name (Print/Type)	Hans- Peter G.Hoffmann	Registration No. (Attorney/Agent)	37,352	Telephone	203 965-8271
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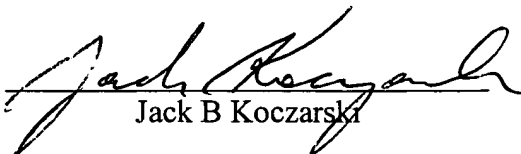
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9-1, 2004

  
Jack B Koczarski

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the Application of:

Han, et al.

CASE NO.: BMS-PH-7164(C)

APPLICATION NO.: 10/685,031

GROUP ART UNIT: 1624

FILED: October 14, 2003

EXAMINER: B.Kifle

FOR: SUBSTITUTED LACTAMS AS INHIBITOR OF A $\beta$  PROTEIN PRODUCTION**INFORMATION DISCLOSURE STATEMENT**

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b). Copies of each of the references listed on the attached Form PTO/SB/08A pages 1 of 5 and 1 of 2 are enclosed herewith. Copies or references listed on pages 3 of 5, 4 of 5 and 5 of 5 are not provided. These references were previously cited by or submitted to the office in a prior application Serial No.09/832,455 filed April 11 2001 and relied upon for an earlier filing date under 35 U.S.C.120( continuation, continuation –in-part, and divisional application)

- ( ) In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified application, within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, no additional fee is required. The

09/03/2004 EAREGAY1 00000027 033975 10685031

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Commissioner is authorized to charge any fees required to Deposit Account No. 03-3975.

- ( X) In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, therefore:

( ) Certification in Accordance with §1.97(e) is set forth below.

(X ) The fee of \$ 180.00 as set forth in §1.17(p) is attached.

- ( ) In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee, therefore included are: Certification in Accordance with §1.97(e); Petition Requesting Consideration of the Information Disclosure Statement; and the fee of \$ as set forth in §1.17(p).

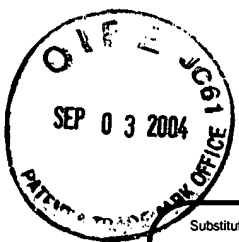
Please charge any necessary fees to Deposit Account No. 03-3975.

There are no listed references which are not in the English language or do not contain an English language abstract.

Respectfully submitted,



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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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Sheet 1 of 5

**Complete if Known**

Application Number	10/685,031
Filing Date	October 14, 2003
First Named Inventor	Han et al
Group Art Unit	1624
Examiner Name	B. Kiffe
Attorney Docket Number	BMS-PH-7164(C)

**US PATENT DOCUMENTS**

Exam Init	Ref Des	Document No.	Issue Date	Name	Class	Sub Class	FILING DATE If Appropriate
	1.	4,666,829	05/19/1987	Glenner et al.			
	2.	5,593,846	01/14/1997	Schenk et al.			
	3.	5,703,129	12/30/1997	Felsenstein et al.			

**FOREIGN PATENT DOCUMENTS**

		Country & Doc. No. (11)	Pub. Date (43)		Class	Sub Class	Translation Yes No
	4.	WO 95/22966	08/31/1995	Mathiowetz et al.			
	5.	WO 96/29313	09/26/1996	Wahl et al.			
	6.	EP0652009	05/10/1995	Dovey et al.			

**OTHER ART**

(including Author, Title, Date, Pertinent Pages, Publication, Etc.)

	7.		Ballestri et al., <i>J. Org. Chem</i> 56, p. 678 (1991)
	8.		C. J. Barnett et al., <i>Tetrahedron Lett.</i> 1997, 38 (5), p. 735.
	9.		Barton and McCarobie, <i>J. Chem. Soc. Perkin Trans. 1</i> , p. 1574 (1975).
	10.		Barton and Motherwell, <i>Pure &amp; Appl. Chem.</i> 53, p.15 (1981)
	11.		Bock et al., <i>J. Org. Chem</i> 1987, 52, pp. 3232-3239
	12.		Bock et al., <i>J. Med. Chem.</i> 1993, 36, pp.4276-4292.
	13.		Brown et al., <i>Tetrahedron Letters</i> , 1971, 8, pp. 667-670
	14.		F. A. Carey and R. J. Sundberg, "Advanced Organic Chemistry, Part A," <i>New York: Plenum Press</i> , 1990, pp. 304-305, 342-347, 475-479, 695-698
	15.		A. R. Chamberlin, <i>Chem. Rev.</i> 1997, 97, pp. 2243-2266
	16.		M. T. Crimmins et al., <i>J. Am. Chem Soc.</i> 1997, 119, pp. 7883-7884
	17.		<i>Chem. Rev.</i> 1992, 92, p. 919
	18.		D. A. Evans et al., <i>J. Am. Chem. Soc.</i> 1990, 112, pp. 8215
	19.		D. A. Evans et al., <i>Org. Synth</i> 1990, 68, p.83-90

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Sheet 2 of 5

## **Complete if Known**

Application Number	10/685,031
Filing Date	October 14, 2003
First Named Inventor	Han et al
Group Art Unit	1624
Examiner Name	B. Kifle
Attorney Docket Number	BMS-PH-7164(C)

## **OTHER ART**

(including Author, Title, Date, Pertinent Pages, Publication, Etc.)

20.	T.W.Green and Wuts, Proptective Grups in organic Synthesis (Wiley 1991)
21.	Glenner and Wong, <i>Biochem. Biophys. Res. Commun.</i> 120; pp.885-890
22.	<i>J. Med. Chem</i> 1999, 42, pp. 3889-3898
23.	<i>J. Org. Chem.</i> 1986, 51, p. 2402
24.	M. M. Ponpipom and W. K. Hagman, <i>Tetrahedron</i> 1999, 55, p. 6749.
25.	Benner et al. <i>J. Am Chem. Soc.</i> 103, p. 993 (1981)
26.	Schummer and Hofle, <i>Syn. Lett.</i> 1990 (11) p.643-714
27.	" <i>Remington's Pharmaceutical Sciences</i> ," 17th ed. Mack Publishing Company, Easton, PA, 1985, p.1418.
28.	D. J. Selkoe, "Cell Biology of the amyloid (beta)-protein precursor and the mechanism of Alzheimer's disease," <i>Annu. Rev. Cell. Biol.</i> , 1994, 10: pp 373-403
29.	R.G. Sherrill et al., <i>J. Org. Chem.</i> 1995, 60, pp.730-734
30.	D.A. Evans. <i>Aldrichimica Acta</i> 1982,15pp.23-32
31.	D. A. Walsh, <i>Synthesis</i> , September 1980, p.677
32.	T. Mukaiyama et al., <i>Org. React.</i> 1994, pp. 1-104
33.	S. Nozaki et al., <i>Bull. Chem. Soc. Jpn.</i> 1982, 55, pp. 2165-2168.
34.	I. Paterson et al., <i>Org. React.</i> 1997, 51, pp 1-200
35.	P.J.Reider et al. <i>J.Org.Chem</i> 1987,52 p955
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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet 3 of 5

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Application Number	10/685,031
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First Named Inventor	Han et al
Group Art Unit	1624
Examiner Name	B. Kifle
Attorney Docket Number	BMS-PH-7164(C)

### U.S. PATENT DOCUMENTS

Examiner Initials *	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
		5283241		Bochis et al	2/1/1994	
		5389631		Claremon	2/14/1995	
		5550126		Horwell et al	8/27/1996	
		5532359		Marsters et al	7/2/1996	
		5578629		Ciccarone et al	11/26/1996	
		5595990		Baldwin et al	1/21/1997	
		5602145		Samanen	2/11/1997	
		5618812		Pineiro et al	4/8/1997	
		5633251		Claremon et al	5/27/1997	
		5672596		Wyvrat et al	9/30/1997	
		5710153		Ohmoto et al	1/20/1998	
		5710171		Dinsmore et al	1/20/1998	
		5756528		Anthony et al	5/26/1998	
		5763437		Sato et al	6/9/1998	
		5817658		Siegel et al	10/6/1998	
		5852010		Graham et al	12/22/1998	
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		5859012		Dinsmore et al	4/6/1999	
		5869682		DeSolms	2/9/1999	
		5872135		DeSolms	2/16/1999	
		5885995		Dinsmore	3/23/1999	
		5891889		Anthony et al	4/6/1999	
		5905077		Jungheim et al	5/18/1999	
		5919785		Dinsmore et al	7/6/1999	
		5936089		Carpino et al	8/10/1999	
		5965578		Graham et al	10/12/1999	

### FOREIGN PATENT DOCUMENTS

Examiner Initials *	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM- DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sub>0</sub>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
		WO	9828268		Athena Neurosciences Inc.	7/2/1998		
		WO	9822493		Athena Neurosciences Inc.	5/28/1998		

Examiner  
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Date Considered

<sup>1</sup> EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>2</sup> Unique citation designation number. <sup>3</sup> See attached Kinds of U.S. Patent Documents. <sup>4</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>5</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>6</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>7</sup> Applicant is to place a check mark here if English language Translation is attached.

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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet 4 of 5

### Complete if Known

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Attorney Docket Number	BMS-PH-7164(C)

## FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sub>6</sub>
		Office <sup>2</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
		WO	9837079		Berlex Laboratories Inc.	8/27/1998		
		WO	9858915		Boehringer Mannheim GMBH	12/30/1998		
		WO	9918951		Bristol-Myers Squibb Co.	4/22/1999		
		WO	9903826		British Biotech Pharmaceuticals Ltd.	1/28/1999		
		WO	9719053		British Biotech Pharmaceuticals Ltd.	5/29/1997		
		WO	9633165		British Biotech Pharmaceuticals Ltd.	10/24/1996		
		WO	9816523		COR Therapeutics Inc.	4/23/1998		
		WO	9907730		COR Therapeutics Inc.	2/18/1999		
		WO	9907731		COR Therapeutics Inc.	2/18/1999		
		WO	0038618		DuPont Pharmaceuticals Co.	7/6/2000		
		WO	0007995		DuPont Pharmaceuticals Co.	2/17/2000		
		WO	9967221		Elan Pharmaceuticals Inc.	12/29/1999		
		WO	9967220		Elan Pharmaceuticals Inc.	12/29/1999		
		WO	9966934		Elan Pharmaceuticals Inc.	12/29/1999		
		WO	9967219		Elan Pharmaceuticals Inc.	12/29/1999		
		WO	9932453		Elan Pharmaceuticals Inc.	7/1/1999		
		EP	0842944		Hoechst Aktiengesellschaft	5/20/1998		
		WO	9919305		Krenitsky Pharmaceuticals Inc.	4/22/1999		
		WO	9403437		Merck Sharp & Donue	2/17/1994		
		WO	9828980		Merck & Co. Inc.	7/9/1998		
		EP	0434360		Merck & Co. Inc.	6/26/1991		
		EP	0421802		Merck & Co. Inc.	4/10/1991		
		WO	9736877		Merck & Co. Inc.	10/9/1997		
		WO	9509633		Merck & Co. Inc.	4/13/1995		
		WO	9736879		Merck & Co. Inc.	10/9/1997		
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		WO	9822441		Athena Neurosciences Inc.	5/28/1998		
		DE	2934355		Bayer AG	3/12/1981		
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Sheet 5 of 5

### Complete if Known

Application Number	10/685,031
Filing Date	October 14, 2003
First Named Inventor	Han et al
Group Art Unit	1624
Examiner Name	B. Kifle
Attorney Docket Number	BMS-PH-7164(C)

### FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM- DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sub>2</sub>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
		WO	9727852		Merck & Co. Inc.	8/7/1997		
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		WO	9514471		Merck&Co.Inc	6/1/1995		

### OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		Dingwall; J. Clinical Invest., 108, Nov. 2001, 1243-1246	
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Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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